THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 20th July, 2006

W.P.No.25767 of 2001

Between:

Veeramachaneni Kanaka Sundara Rao … Petitioner

and

Lankapalli Primary Agricultural
Cooperative Society, Lankapalli,
Ghantasala Mandalam, Krishna District,
Rep.by its Secretary
and others. … Respondents

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ORDER:

Heard both sides and perused the entire material made available on record.

The only grievance of the petitioner is that he filed O.A.Nos.159 and 160 of 1999 on the file of A.P. Cooperative Tribunal, Vijayawada against the surcharge proceedings passed against him and the Cashier of the respondent-society. Against the common order passed in the surcharge proceedings, the said two O.As were filed by him and another two Original Applications in O.A.Nos.168 and 169 of 1999 were filed by the Cashier before the same Tribunal. O.A.Nos.168 and 169 of 1999 were disposed of; however, though he was not a party to the said proceedings, it was held by the Tribunal that he is also responsible for the amount involved therein, which is the subject matter of O.A.Nos.159 and 160 of 1999. Therefore, he sought for transfer of these O.A.Nos.159 and 160 of 1999 pending on the file of the A.P. Cooperative Tribunal, Vijayawada to the file of the A.P. Cooperative Tribunal, Hyderabad.

In fact, the Writ Petition is misconceived. Petitioner could have challenged the Orders passed in O.A.Nos.168 and 169 of 1999 insofar as giving a finding against him, though he was not a party to the said O.As. Instead of that, the petitioner filed the present Writ Petition seeking transfer of O.A.Nos.159 and 160 of 1999 from the file of the A.P.Cooperative Tribunal, Vijayawada to the file of the A.P.

Cooperative Tribunal, Hyderabad. Now it is more than five years from the date of filing of the Writ Petition and the Officer, who passed the Order in O.A.Nos.168 and 169 of 1999 is no more at Vijayawada. In view of the same, no relief as sought for by the petitioner can be granted. However, the Tribunal is directed to dispose of O.A.Nos.159 and 160 of 1999 on their own merits, if not already disposed of.

Subject to the above observation, the Writ Petition is dismissed. No order as to costs.

20-7-2006

prk